UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,152	03/26/1999	WILLIAM D. GENTRY	SN0197CIP	5366

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EXAMINER
HARPER, KEVIN C

ART UNIT	PAPER NUMBER
2666	8

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 June 2003_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-51_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,11,13,21,31,33,43 and 45-51_ is/are rejected.

7)☒ Claim(s) _2-10,12,14-20,22-30,32,34-42 and 44_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

Response to Arguments

1.   Applicant's arguments filed June 13, 2003 have been fully considered but they are not

persuasive. Applicant argued that Examiner did not factually support mapping a packet data

network protocol of a wireless call to an end office access protocol. However, as noted in the

previous Office Action, Focarile discloses a wireless network connected to an end office (item

46) through a packet network as in Figure 1. In describing Figure 1, the destination of a wireless

call is a telephone connected to the end office as noted in the abstract at lines 6-9 and col. 5, lines

34-47 and 48-62.

Double Patenting

2.   Claims 1-51 provisionally rejected under 35 U.S.C. 101 as claiming the same invention

as that of claims 1-51 of copending Application No. 09/218,808. This is a provisional double

patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

    The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

    Claims 1, 11, 13, 21, 31, 33, 43 and 45-51 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lu et al. (US 5,953,651) in view of Focarile et al. (US 5,434,854).

3.   Regarding claims 1, 13, 21, 45 and 47, Lu discloses a method of providing end office

wireline telephony services to wireless subscribers (Figure 1; abstract, lines 1-4) such that the

wireless call can utilize all of the wireline services associated with an end office telephony

switching network (abstract, lines 13-22). However, Lu does not disclose mapping a

subscriber's wireless telephony protocol to a packet data network protocol nor managing the

subscriber's wireless mobility services for a wireless call. Focarile discloses an ATM network

for connecting cellular users (Figure 1) where the wireless telephony protocol is mapped to a

data packet network protocol (Figure 3; col. 5, lines 48-57) and the mobility of the wireless

subscriber is managed (Figures 4-5; col. 6, lines 47-63). Therefore, it would have been obvious

to one skilled in the art at the time the invention was made to have a packet network in the

invention of Lu as evidenced by Focarile and manage the mobility of wireless subscribers in the

packet network in the invention of Lu as evidenced by Focarile in order to interconnect base

stations across large distances using a common and widely available backbone data network and

to properly manage communications in the packet network among base stations performing

handoff, respectively.

4.   Regarding claim 33, Lu discloses a method of providing end office wireline telephony

services to wireless subscribers (Figure 1; abstract, lines 1-4) such that the wireless call can

utilize all of the wireline services associated with an end office telephony switching network

(abstract, lines 13-22). However, Lu does not disclose mapping a subscriber's wireless

telephony protocol to a packet data network protocol nor managing the subscriber's wireless

mobility services for a wireless call. Focarile discloses an ATM network for connecting cellular

users (Figure 1) where the wireless telephony protocol is mapped to a data packet network

protocol (Figure 3; col. 5, lines 48-57) and the mobility of the wireless subscriber is managed

(Figures 4-5; col. 6, lines 47-63). Therefore, it would have been obvious to one skilled in the art

at the time the invention was made to have a packet network in the invention of Lu as evidenced

by Focarile and manage the mobility of wireless subscribers in the packet network in the

invention of Lu as evidenced by Focarile in order to interconnect base stations across large

distances using a common and widely available backbone data network and to properly manage

communications in the packet network among base stations performing handoff, respectively.

Further, Lu in view of Focarile does not disclose a computer program product for providing end

office wireline telephony services. One skilled in the art would recognize that processors

executing computer program code allow for flexibility in network or system functionality by a

simple upgrade or change in the computer program code as necessary. Therefore, it would have

been obvious to one skilled in the art at the time the invention was made to have computer

program code to provide telephony services in the invention of Lu in view of Focarile.

5.   Regarding claim 11, 31 and 43, Lu does not disclose that the mobility services include

intra-network handoff. Focarile discloses that mobility services include managing intra-network

handoff (Figure 2; col. 6, lines 48-50) by establishing a media channel with a target base station

controller gateway and simulcasting all speech to the target base station and the current base

station (col. 6, lines 50-60), signaling that handoff is complete and ceasing transmitting and

receiving on the current base station controller gateway (col. 7, lines 10-14). Therefore, it would

have been obvious to one skilled in the art at the time the invention was made to manage intra-

network handoff in the invention of Lu as evidenced by Focarile to achieve soft-handoff for

wireless calls transmitted over a packet network.

6.   Regarding claims 46 and 48-51, Lu in view of Focarile does not disclose using the

various claimed protocols. One skilled in the art would recognize that appropriate standardized

protocols are used in a network depending on desired network operating characteristics and

interoperability, availability or cost of network components using the standardized protocols.

Therefore, it would have been obvious to one skilled in the art at the time the invention was

made to use an IP protocol as the data protocol in the invention of Lu in view of Focarile or an

IS-634 wireless protocol, an H.323 protocol, a Session Initiation Protocol, or a Multi-Gateway

Control Protocol (or Media Gateway Control Protocol) as signaling protocols in the invention of

Lu in view of Focarile.

Allowable Subject Matter

7.   Claims 2-10, 12, 14-20, 22-30, 32, 34-42 and 44 are objected to as being dependent upon

a rejected base claim, but would be allowable if rewritten in independent form including all of

the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The

examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology

Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Seema S. Rao

SEEMA S. RAO 9/5/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Kevin C. Harper

September 6, 2003